



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall

Sacramento, California, Room 150

Teleconference – 320 West 4th Street

Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall

Sacramento, California, Room 141

Teleconference – 320 West 4th Street

Los Angeles, California Suite 620

SUMMARY MINUTES – JANUARY 23, 2007

MID MONTH BOARD MEETING MINUTES¹

JANUARY 23, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A.** The Governor has issued his proposed budget. Part of the budget (“A” pages) discusses various statewide issues including the need for HR reform in State Service. The administration announced that a task force has been assembled under DPA to create a strategic plan for comprehensive reform of state civil service. The task force includes DPA, SPB, etc. and plans to present a proposal with a deadline of March 1st. SPB has designated three individuals who work full time with the group over at the Savings Plus Office at DPA.
- B.** The Receiver will be meeting with the Board this afternoon at 1 pm. SPB met with the Receiver’s staff last week, Ms. Linda Buzzini and Mr. John Hagar. A number of questions about his authority and how to work out various situations have been clarified.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- The Deputy Attorney General, Miguel Neri, will be present at 10:00 a.m. to discuss the Plata case in closed session.
- The Chad 6 case (Delwin Brown, et al), wherein the Board adopted the ALJ’s decision overturning the dismissal of correctional officers for use of excessive force and which was later overturned by the superior court and remanded to the SPB after the court found that the relevant videotape showed officers continued to use force after the inmates were subdued, has been appealed by CCPOA. The Receiver is very interested in this case. SPB will stay on the matter until the appellate court issues a decision. SPB took no active role in the litigation.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

- The SPB has been invited to participate in a joint orientation hearing for members of the Assembly Public Employees' Retirement and Social Security Committee and the Senate Public Employment and Retirement Committee on February 14, 2007 at the State Capitol.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 9–13)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

AB 67 (DYMALLY)

This bill will standardize and define language in the Dymally-Alatorre Bilingual Services Act (Act), clarify the State Personnel Board's (SPB's) responsibility to establish bilingual fluency standards, and expand the SPB's ability to grant exemptions to the language survey and implementation plan.

POSITION: SUPPORT

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
FEBRUARY 6-7, 2007, IN LOS ANGELES, CALIFORNIA**

The February 6-7, 2007, Board Meeting in Los Angeles has been changed to a one day meeting to be held on Tuesday, February 6, 2007.

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
DECEMBER 19, 2006**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 9–16

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 22–23)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 16–18

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On January 23, 2007, the following proposals were presented to the Board by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

TAX AUDITOR, EMPLOYMENT DEVELOPMENT DEPARTMENT

The Employment Development Department (EDD) proposes the establishment of the Tax Auditor, EDD deep class with a one-year probationary period. In conjunction, EDD proposes the following: the establishment of Alternative Range Criteria 446; abolish the classification of Tax Auditor II, EDD; change the existing title of Tax Auditor III, EDD, to Associate Tax Auditor, EDD; change the existing title of Tax Auditor IV, EDD to Staff Tax Auditor, EDD; reallocate affected incumbents; and revise the Tax Auditor/Tax Supervisor, EDD series specification to reflect the classification changes noted above and to update the terminology used in the specification.

VOCATIONAL INSTRUCTOR, REFRIGERATION AND AIR CONDITIONING REPAIR, CORRECTIONAL FACILITY

The Department of Personnel Administration proposes to amend the action of the State Personnel Board as set in Item 16A of the minutes of the meeting of April 18, 2006, relating to a new salary range to compensate affected teachers and vocational instructors at the California Department of Corrections and Rehabilitations, Division of Juvenile Justice (CDCR-DJJ), high schools be modified to include in the Board resolution the classification of Vocational Instructor - Refrigeration and Air Conditioning Repair, Correctional Facility (CF).

INVESTMENT OFFICER, STATE TEACHERS' RETIREMENT SYSTEM

The California State Teachers' Retirement System (STRS) and the Department of Personnel Administration (DPA) propose the following revisions to the classes within the Investment Officer, STRS in order to align its structure and usage with that of the Public Employees' Retirement System: establish alternate range levels; adoption of Alternative Range Criteria 442; application of Footnote 24 to the class of Supervising Investment Officer, California State Teachers' Retirement System;

reallocation of incumbents from existing classes to the deep class'; abolishment of classes entitled Assistant Investment Officer, State Teachers' Retirement System and Associate Investment Officer, State Teachers' Retirement System; and abolishment of Alternate Range Criteria 258.

INDUSTRIAL SUPERVISOR, PRISON INDUSTRIES

The Prison Industries Authority is proposing to revise the titles of the following classes: Industrial Supervisor, Prison Industries (Food Packaging) and Prison Industries Superintendent I/II (Food Packaging) to Industrial Supervisor, Prison Industries (Food and Beverage Packaging) and Prison Industries Superintendent I/II (Food and Beverage Packaging).

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

CHIEF, CRIMINAL INTELLIGENCE AND ANALYSIS UNIT

The Department of Corrections proposes to allocate the above position to the CEA category. The Chief, Criminal Intelligence and Analysis Unit is responsible for the formulation of departmental policies and programs affecting criminal intelligence, emergency operations and emergency management.

**ASSISTANT DEPUTY DIRECTOR, FINANCIAL MANAGEMENT
BRANCH**

The Department of Rehabilitation (DOR) proposes to re-allocate the existing CEA position titled Planning and Systems Change Division to the above titled position. The Assistant Deputy Director, Financial Management Branch will provide oversight and accountability of DOR's financial functions.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**DEPUTY EXECUTIVE DIRECTOR, EXTERNAL AFFAIRS AND
SPECIAL ADVISOR TO THE COMMISSIONERS**

The Department of Fish and Game's proposal to allocate the above position to the CEA category has been disapproved effective December 28, 2006.

DEPUTY EXECUTIVE DIRECTOR, REGULATIONS AND POLICY

The Department of Fish and Game's proposal to allocate the above position to the CEA category has been disapproved effective December 28, 2006.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 19–21

CLOSED SESSION OF THE STATE PERSONNEL BOARD

23. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

24. FEDERAL COURT RECEIVER – ROBERT SILLEN

Robert Sillen, federal court receiver in the matter of Plata v. Schwarzenegger, addressed the board on issues of mutual concern.

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15
AS NOTED.**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On January 23, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

(1) CASE NO. 05-3030A

Appeal from constructive demotion

Classification: Officer Technician

Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(3) CASE NO. 05-1875A

Appeal from rejection during probationary period

Classification: Equipment Material Specialist

Department: Department of Transportation

Proposed decision rejected August 8, 2006.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 05-1567A

Appeal from dismissal

Classification: Housing Finance Specialist (General)

Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

NO ACTION

(5) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(6) PSC NO. 06-02

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

Department: Department of Corrections and Rehabilitation

Employee Organization: AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

NO ACTION

(7) PSC NO. 06-04

Appeal from Executive Officer's August 15, 2006 disapproval of a Personal Services Contract for Hearing Reporter Transcription Services.

Department: California Air Resources Board

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On January 23, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

(1) CASE NO. 02-0642

Appeal from five percent reduction in salary for six pay periods

Classification: Associate Tax Auditor

Department: Board of Equalization

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

(2) CASE NO. 05-2731

Appeal from demotion

Classification: Associate Procurement Engineer

Department: Department of General Services

ACTION: The Board adopted the ALJ's Proposed Decision modifying the demotion.

(3) CASE NO. 06-0976

Appeal from dismissal

Classification: Satellite Wagering Facility Lead Janitor

Department: 22nd District Agricultural Association

ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal.

- (4) **CASE NO. 05-1995**
Appeal from rejection during probation
Classification: Assistant Information Systems Analyst
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (5) **CASE NO. 06-1743**
Appeal from dismissal
Classification: Clinical Social Worker
(Health/Correctional Facility)
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the case to the ALJ with instructions to address whether Appellant was suffering from a mental disability and how, if at all, that impacts the result in this case.
- (6) **CASE NO. 05-4211**
Appeal from ten percent reduction in salary for 12 months
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the case to the ALJ for the purpose of clarifying the dates relevant to the parties' rights and responsibilities pursuant to the Family and Medical Leave Act of 1993, Public Law 103-3 (29 U.S.C. 2601 et seq.).
- (7) **CASE NO. 06-0448**
Appeal from five percent reduction in salary for six months
Classification: Stationary Engineer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (8) **CASE NO. 06-4203**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.

(9) CASE NO. 06-3497

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(10) CASE NO. 06-1745R

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On January 23, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

(1) CASE NO. 05-3770P

Appeal from 48 working day suspension

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

NO ACTION

(2) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Pending oral argument February 6-7, 2007, Los Angeles.

NO ACTION

(3) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Pending oral argument February 6-7, 2007, Los Angeles.

NO ACTION

(4) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Pending transcript.

NO ACTION

- (5) **CASE NO. 05-2211A**
Appeal from dismissal
Classification: Senior Tax Compliance Representative
Department: Employment Development Department

Proposed decision rejected September 20, 2006.
Oral argument originally set February 6-7, 2007, Los Angeles.
Oral argument continued

NO ACTION
- (6) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.
Transcript prepared.

NO ACTION
- (7) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Pending transcript.

NO ACTION
- (8) **CASE NO. 05-0638A**
Appeal from dismissal
Classification: Conservationist I
Department: California Conservation Corps

Proposed decision rejected September 5, 2006.
Stipulation approved on December 22, 2006.

NO ACTION
- (9) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.
Pending transcript.

NO ACTION

- (10) **CASE NO. 04-2919ERPA**
Appeal of discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted September 20, 2006.
Pending oral argument February 6-7, 2007, Los Angeles.
NO ACTION
- (11) **CASE NO. 05-0927BA**
Appeal for back salary determination
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Proposed decision rejected December 5, 2006.
Transcript prepared.
NO ACTION
- (12) **CASE NO. 05-4416PA**
Appeal from 10 percent reduction in salary for 13 pay periods
Classification: Medical Technical Assistant (Correctional Facility)
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted November 14, 2006.
Transcript prepared.
NO ACTION
- (13) **CASE NO. 06-0392A**
Appeal of five percent reduction in salary for 24 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Proposed decision rejected October 31, 2006.
Transcript prepared.
NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On January 23, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **CASE NO. 05-4101N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information.
ACTION: DENIED
- (2) **CASE NO. 06-0434N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and has negative law enforcement contacts.
ACTION: DENIED
- (3) **CASE NO. 05-4164**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative military history.
ACTION: DENIED
- (4) **CASE NO. 06-0350N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
ACTION: DENIED
- (5) **CASE NO. 06-0787**
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record and the furnishing of inaccurate information.
ACTION: DENIED

(6) CASE NO. 06-4539

Classification: California Highway Patrol

Department: CHP Cadet

Issue: Suitability; omitted pertinent information

ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

NO ACTION

7. CASE NO. 05-3030A

Appeal constructive demotion. Office Technician. Department of Developmental Services. (Oral argument held October 31, 2006.)

NO ACTION

8. CASE NO. 05-1875A

Appeal from rejection during probationary period. Equipment Material Specialist. Department of Transportation. (Oral argument held October 31, 2006.)

NO ACTION

9. CASE NO. 05-0947A

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

NO ACTION

10. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

11. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

12. CASE NO. 05-1975

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

13. CASE NO. 05-1466

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

14. CASE NO. 05-1977

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

15. CASE NO. 05-1029

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

16. CASE NO. 05-2290

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

17. CASE NO. 05-1169

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

NO ACTION

18. CASE NO. 05-1681

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

19. CASE NO. 05-1170

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

**20. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**

(Hearing held January 9, 2007.)

NO ACTION

21. PSC #06-02

Appeal of AFSCME from Executive Officer Decision Approving Department of Corrections and Rehabilitation. Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

NO ACTION

22. PSC #06-04

Appeal of California Air Resources Board from Executive Officer Decision Disapproving Personal Services Contract for Hearing. Reporter Transcription Services. SEIU Local 1000. (Oral argument held January 9, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

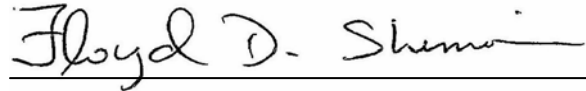
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on January 23, 2007.

VOTE: Harrigan, Sheehan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board